

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 644
95TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, February 11, 2010, with recommendation that the Senate Committee Substitute do pass.

3322S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 67.1000, 67.1361, and 70.220, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund tourism and convention centers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 67.1000, 67.1361, and 70.220, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 67.1000,
3 67.1361, and 70.220, to read as follows:

67.1000. 1. The governing body of any county or of any city which is the
2 county seat of any county or which now or hereafter has a population of more
3 than three thousand five hundred inhabitants and which has heretofore been
4 authorized by the general assembly, or of any other city which has a population
5 of more than eighteen thousand and less than forty-five thousand inhabitants
6 located in a county of the first classification with a population over two hundred
7 thousand adjacent to a county of the first classification with a population over
8 nine hundred thousand, may impose a tax on the charges for all sleeping rooms
9 paid by the transient guests of hotels or motels situated in the city or county,
10 which shall be not more than five percent per occupied room per night, except
11 that such tax shall not become effective unless the governing body of the city or
12 county submits to the voters of the city or county at an election permitted under
13 section 115.123, RSMo, a proposal to authorize the governing body of the city or
14 county to impose a tax under the provisions of this section and section
15 67.1002. The tax authorized by this section and section 67.1002 shall be in
16 addition to the charge for the sleeping room and shall be in addition to any and
17 all taxes imposed by law and the proceeds of such tax shall be used by the city

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 or county solely for funding a convention and visitors bureau which shall be a
19 general not-for-profit organization with whom the city or county has contracted,
20 and which is established for the purpose of promoting the city or county as a
21 convention, visitor and tourist center. Such tax shall be stated separately from
22 all other charges and taxes.

23 2. In any county of the third classification without a township form of
24 government and with more than forty-one thousand one hundred but fewer than
25 forty-one thousand two hundred inhabitants, "transient guests", as used in this
26 section and section 67.1002, means a person or persons who occupy a room or
27 rooms in a hotel or motel for ninety days or less during any calendar quarter.

28 **3. Provisions of this section to the contrary notwithstanding, the**
29 **governing body of any home rule city with more than thirty-nine**
30 **thousand six hundred but fewer than thirty-nine thousand seven**
31 **hundred inhabitants and partially located in any county of the first**
32 **classification with more than seventy-one thousand three hundred but**
33 **fewer than seventy-one thousand four hundred inhabitants may impose**
34 **a tax on the charges for all sleeping rooms paid by the transient guests**
35 **of hotels or motels situated in the city, which shall be not more than**
36 **seven percent per occupied room per night, except that such tax shall**
37 **not become effective unless the governing body of such city submits to**
38 **the voters of the city at an election permitted under section 115.123, a**
39 **proposal to authorize the governing body of the city to impose a tax**
40 **under the provisions of this section and section 67.1002. The tax**
41 **authorized by this section and section 67.1002 shall be in addition to**
42 **the charge for the sleeping room and shall be in addition to any and all**
43 **taxes imposed by law and the proceeds of such tax shall be used by the**
44 **city solely for funding a convention and visitors bureau which shall be**
45 **a general not-for-profit organization with whom the city has**
46 **contracted, and which is established for the purpose of promoting the**
47 **city as a convention, visitor and tourist center. Such tax shall be stated**
48 **separately from all other charges and taxes.**

67.1361. 1. The governing body of any county of the first classification
2 without a charter form of government and with more than eighty-five thousand
3 nine hundred but less than eighty-six thousand inhabitants and the governing
4 body of any home rule city with more than seventy-three thousand nine hundred
5 but less than seventy-four thousand inhabitants may impose a tax on the charges

6 for all sleeping rooms paid by the transient guests of hotels, motels, bed and
 7 breakfast inns and campgrounds and any docking facility which rents slips to
 8 recreational boats which are used by transients for sleeping, which shall be at
 9 least two percent, but not more than eight percent per occupied room or slip per
 10 night, except that such tax shall not become effective unless the governing body
 11 of the county or city submits to the voters of the county or city at a state general,
 12 primary or special election, a proposal to authorize the governing body of the
 13 county or city to impose a tax pursuant to this section. The tax authorized by
 14 this section shall be in addition to any charge paid to the owner or operator and
 15 shall be in addition to any and all taxes imposed by law and the proceeds of such
 16 tax shall be used by the city or county for funding the promotion of tourism and
 17 convention facilities **including capital expenditures therefor**. Such tax shall
 18 be stated separately from all other charges and taxes.

19 2. Any tax imposed by a county pursuant to subsection 1 of this section
 20 shall apply only to unincorporated areas of such county.

21 3. The question shall be submitted in substantially the following form:

22 Shall the (city or county) levy a tax of
 23 percent on each sleeping room or campsite occupied and rented by
 24 transient guests and any docking facility which rents slips to recreational boats
 25 which are used by transients for sleeping in the
 26 (city or county), where the proceeds of which shall be expended for promotion of
 27 tourism and convention facilities?

28 YES NO

29 If a majority of the votes cast on the question by the qualified voters voting
 30 thereon are in favor of the question, then the tax shall become effective on the
 31 first day of the calendar quarter following the calendar quarter in which the
 32 election was held. If a majority of the votes cast on the question by the qualified
 33 voters voting thereon are opposed to the question, then the governing body for the
 34 city or county shall have no power to impose the tax authorized by this section
 35 unless and until the governing body of the city or county again submits the
 36 question to the qualified voters of the city or county and such question is
 37 approved by a majority of the qualified voters voting on the question.

38 4. On and after the effective date of any tax authorized under the
 39 provisions of this section, the city or county may adopt one of the two following
 40 provisions for the collection and administration of the tax:

41 (1) The city or county may adopt rules and regulations for the internal

42 collection of such tax by the city or county officers usually responsible for
43 collection and administration of city or county taxes; or

44 (2) The city or county enter into an agreement with the director of
45 revenue of the state of Missouri for the purpose of collecting the tax authorized
46 in this section. In the event any city or county enters into an agreement with the
47 director of revenue of the state of Missouri for the collection of the tax authorized
48 in this section, the director of revenue shall perform all functions incident to the
49 administration, collection, enforcement and operation of such tax, and the director
50 of revenue shall collect the additional tax authorized under the provisions of this
51 section. The tax authorized under the provisions of this section shall be collected
52 and reported upon such forms and under such administrative rules and
53 regulations as may be prescribed by the director of revenue, and the director of
54 revenue shall retain an amount not to exceed one percent for cost of collection.

55 5. If a tax is imposed by a city or county under this section, the city or
56 county may collect a penalty of one percent and interest not to exceed two percent
57 per month on unpaid taxes which shall be considered delinquent thirty days after
58 the last day of each quarter.

59 6. As used in this section "transient guests" means a person or persons
60 who occupy room or rooms in a hotel or motel for thirty-one days or less during
61 any calendar quarter.

70.220. 1. Any municipality or political subdivision of this state, as
2 herein defined, may contract and cooperate with any other municipality or
3 political subdivision, or with an elective or appointive official thereof, or with a
4 duly authorized agency of the United States, or of this state, or with other states
5 or their municipalities or political subdivisions, or with any private person, firm,
6 association or corporation, for the planning, development, construction,
7 acquisition or operation of any public improvement or facility, or for a common
8 service; provided, that the subject and purposes of any such contract or
9 cooperative action made and entered into by such municipality or political
10 subdivision shall be within the scope of the powers of such municipality or
11 political subdivision.

12 2. Any municipality or political subdivision of this state may contract with
13 one or more adjacent municipalities or political subdivisions to share the tax
14 revenues of such cooperating entities that are generated from real property and
15 the improvements constructed thereon, if such real property is located within the
16 boundaries of either or both municipalities or subdivisions and within three

17 thousand feet of a common border of the contracting municipalities or political
18 subdivisions. The purpose of such contract shall be within the scope of powers
19 of each municipality or political subdivision. Municipalities or political
20 subdivisions separated only by a public street, easement, or right-of-way shall be
21 considered to share a common border for purposes of this subsection.

22 **3. Any home rule city with more than seventy-three thousand but**
23 **fewer than seventy-five thousand inhabitants may contract with any**
24 **county of the first classification with more than eighty-five thousand**
25 **nine hundred but fewer than eighty-six thousand inhabitants to share**
26 **tax revenues for the purpose of promoting tourism and the**
27 **construction, maintenance, and improvement of convention center and**
28 **recreational facilities. In the event an agreement for the distribution**
29 **of tax revenues is entered into between a county of the first**
30 **classification with more than eighty-five thousand nine hundred but**
31 **fewer than eighty-six thousand inhabitants and a home rule city with**
32 **more than seventy-three thousand but fewer than seventy-five thousand**
33 **inhabitants, then all revenue received from such taxes shall be**
34 **distributed in accordance with the terms of said agreement. For**
35 **purposes of this subsection, the term "tax revenues" shall include tax**
36 **revenues generated from the imposition of a transient guest tax**
37 **imposed under the provisions of section 67.1361.**

38 **4.** If any contract or cooperative action entered into under this section is
39 between a municipality or political subdivision and an elective or appointive
40 official of another municipality or political subdivision, such contract or
41 cooperative action shall be approved by the governing body of the unit of
42 government in which such elective or appointive official resides.

43 **[4.] 5.** In the event an agreement for the distribution of tax revenues is
44 entered into between a county of the first classification without a charter form of
45 government and a constitutional charter city with a population of more than one
46 hundred forty thousand that is located in said county prior to a vote to authorize
47 the imposition of such tax, then all revenue received from such tax shall be
48 distributed in accordance with said agreement for so long as the tax remains in
49 effect or until the agreement is modified by mutual agreement of the parties.

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